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Attorneys for plaintiff Mercedes Herrera
and others similarly situated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MERCEDES HERRERA,

Plaintiff,

v.

**LCS FINANCIAL SERVICES
CORPORATION and OCWEN LOAN
SERVICING LLC,**

Defendants.

) Case No. 09-cv-02843 THE
)
) **PLAINTIFF MERCEDES HERRERA'S**
) **FIRST SET OF INTERROGATORIES**
) **TO DEFENDANT OCWEN LOAN**
) **SERVICING, LLC (Nos. 1 - 14)**

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**PLAINTIFF MERCEDES HERRERA'S FIRST SET OF INTERROGATORIES TO DEFENDANT OCWEN
LOAN SERVICING, LLC (Nos. 1 - 14)**

1 ASKING PARTY: Plaintiff Mercedes Herrera
2 ANSWERING PARTY: Defendant Ocwen Loan Servicing
3 SET NO.: One
4 INTERROGATORY NOS.: 1 to 14

5 * * *

6 Plaintiff Mercedes Herrera asks these interrogatories under Rule 33 of the Federal Rules
7 of Civil Procedure and according to the definitions and instructions below.

8 **I. DEFINITIONS**

9 The words in this section are used throughout according to the following definitions.

10 **1. You:** The answering defendant identified above, including its agents, employees, contractors,
11 vendors.

12 **2. Purchase Money Mortgage:** A mortgage subject to California Code of Civil Procedure §
13 580b.

14 **3. Documents:** Any item described in Rule 34(a)(1)(A) or (B) of the Federal Rules of Civil
15 Procedure. Documents include ESI, which is further defined below.

16 **4. Electronically Stored Information (ESI):** Any information accessible by using a computer or
17 other electronic device (like a smartphone). This includes word processing files, emails (that
18 have not been printed out), spreadsheets, drafts of letters or other writings that were later revised,
19 printed, etc.

20 **5. The Letters:** This refers to the letters like those you sent to Mercedes Herrera, dated July 1,
21 2008; July 17, 2008; August 18, 2008; and December 17, 2007. These letters exhibits A through
22 D to plaintiff's first amended complaint. (Doc. 16.) A letter is like those sent Ms. Herrera if it
23 based on the same form or template, or if it contains some or all of the language that was
24 discussed in your second motion to dismiss. (See Doc. 27 at the table of contents for a list of the
25 relevant language.)

II. INSTRUCTIONS

Please refer to the these guidelines before answering this set of interrogatories.

1. Time and manner of response. Plaintiff requests that you

(a) serve your verified answers by mail on all counsel,

(b) within 30 days of the date on which these interrogatories were served.

2. Response by Producing Business Records. You may answer some of these interrogatories by producing underlying business records under Rule 33(d) of the Federal Rules of Civil Procedure. If you exercise this option, please produce the records in an electronic form, preferably a spreadsheet in .CSV or Microsoft Excel format. Please also state in your answer to the interrogatory that you are exercising this option.

III. INTERROGATORIES

1. For each purchase money mortgage loan that you have attempted, since June 25, 2008, to collect on after the property securing the loan was foreclosed upon, please identify (a) the name of the borrower, (b) the loan number or other identifying number, (c) the current repayment status, (d) the payment history, (e) the date of foreclosure, and (f) the amount of money you collected, if any, after foreclosure.

2. For each purchase money mortgage loan that, , since June 25, 2008, you assigned, sold, or transferred to a third party debt collector (including defendant LCS) after the property securing the loan was foreclosed upon, please identify (a) the borrower, (b) the loan number or other identifying number, (c) the date of sale, assign, or transfer, (d) the third party debt collector, (e) the date of foreclosure, (f) whether you notified the third party debt collector that § 580b applied to the loan, (g) if so, the date you notified the third party debt collector, and (h) the amount of money you have received in connection with each loan, if any, from the third party debt collector since the loan was assigned, sold, or transferred.

3. For each loan identified in response to interrogatories 1 and 2, please state when and how you became aware that the property securing the loan had been foreclosed on.

4. For each loan identified in response to interrogatories 1 and 2, please identify by case or other number, date of filing, and type (i.e. civil complaint, notice of lien, acceleration, notice of

1 default) all legal process initiated by you after the date the property securing the loan was
2 foreclosed upon.

3 5. For each loan identified in response to interrogatory 1, please describe how your efforts to
4 collect on that loan changed following the foreclosure on the property securing the loan.

5 6. For each loan identified in response to interrogatory 1, please describe each method used
6 by you to attempt to collect on the loan after the property securing the loan was foreclosed on.

7 7. For each loan identified in response to interrogatories 1 and 2, please state whether you
8 contend that the borrower on the loan received any notice from you that no deficiency judgment
9 could be obtained with respect to the loan.

10 8. Please identify by party names, case number, court, and date of filing all lawsuits filed
11 against you since June 25, 2008, that allege that your collection efforts violate or are barred by
12 California Code of Civil Procedure § 580b.

13 9. Please identify by name, job title, dates of employment, last known address, and phone
14 number all the people involved in creating each procedure you have had in effect since June 25,
15 2008, in connection with California Code of Civil Procedure § 580b.

16 10. Please identify by name, job title, dates of employment, last known address, and phone
17 number all the people with knowledge of facts supporting each of your affirmative defenses.

18 11. Please identify all the words in each of the letters that you sent to Mercedes Herrera
19 following her foreclosure that you contend indicate that payment is voluntary. (*See generally*
20 *Ocwen's Motion to Dismiss*, Doc. 11, at p. 5, ¶ 3.)

21 12. For each word you identify in response to interrogatory no. 11, please identify by party
22 names, case number, court, and date of filing, each lawsuit filed against you since January 1,
23 2005, alleging that those words in a similar or identical letter violated any law.

24 13. Please state your net worth.

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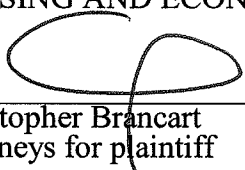
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1 14. Please state the number of borrowers you sent the letters to in connection with their
2 purchase money mortgages.

3 Dated: February 22, 2010

4 Respectfully Submitted

5 LAW OFFICES OF WILLIAM E. KENNEDY
6 BRANCART & BRANCART
7 HOUSING AND ECONOMIC RIGHTS ADVOCATES

8 
9 Christopher Brancart
Attorneys for plaintiff

CERTIFICATE OF SERVICE

On February 22, 2010, I served a true and correct copy of the following attached document:

**PLAINTIFF MERCEDES HERRERA'S FIRST SET OF INTERROGATORIES TO
DEFENDANT OCWEN LOAN SERVICING, LLC (Nos. 1 - 14)**

upon the following person(s):

Ms. Elizabeth Lemond McKeen O'Melveny & Myers, LLC 610 Newport Center Drive, 17 th Floor Newport Beach, CA 92660 fax: 949-823-6994 emckeen@omm.com	Mr. Mark E. Ellis Ms. Kimberly E. Lewellen Ellis, Coleman, Poirier, LaVoie & Steinheimer, LLP 555 University Avenue, Suite 200 East Sacramento, CA 95825 fax: 916-283-8821 mellis@ecplslaw.com klewellen@ecplslaw.com
Mr. William E. Kennedy Law Offices of William E. Kennedy 2797 Park Avenue, Suite 201 Santa Clara, CA 95050 fax: 408-241-1500 willkennedy@pacbell.net	Mr. Noah Zinner Housing and Economic Rights Advocates PO Box 29435 Oakland, CA 94604 fax: 510-868-4521 nzinner@heraca.org

in the following manner(s):

	BY HAND DELIVERY: By causing such document(s) to be delivered by hand to the above person(s) at the address(es) set forth above.
xx	BY MAIL: By placing a copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, in the United States mail at Loma Mar, California, addressed as set forth and indicated above.
	BY THIRD-PARTY COMMERCIAL CARRIER (OVERNIGHT DELIVERY): By delivering a copy thereof to a third-party commercial carrier, addressed as set forth above, for delivery on the next business day.
	BY FACSIMILE: By transmitting the above document(s) to the facsimile number(s) of the addressee(s) designated above.
	BY ELECTRONIC TRANSMISSION OF THE "NOTICE OF ELECTRONIC FILING:" By electronically filing the document(s) (Certain counsel are "Filing Users," as indicated above).

Executed on February 22, 2010, at Loma Mar, California


Tom Keyes